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GOVERNMENT GAZETTE

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SUPPLEMENT

(SUPLEMENTO)

GOVERNMENT OF GOA, DAMAN AND DIU

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/1938/65

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on the 8th March, 1965 is hereby published for general information in pursuance of the provisions of rule 127 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu General Clauses Bill, 1965 (Bill No. 6 of 1965)

A Bill to provide for the application of the General Clauses Act, 1897 for the interpretation of the Acts passed by the Legislative Assembly of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Sixteenth year of the Republic of India as follows:

1. Short title and commencement. (1) This Act may be called the Goa, Daman and Diu General Clauses Act, 1965.

(2) It shall be deemed to have come into force on the 1st of April, 1964.

2. Application of the General Clauses Act, 1897.

(1) Unless the context otherwise requires, the General Clauses Act, 1897 shall apply for the interpretation of the provisions of every Act passed by the Legislative Assembly of Goa, Daman and Diu, as it applies for the interpretation of a Central Act.

(2) For the purpose of application of sections 6, 7, 8, 26 and 28 of the General Clauses Act, 1897, any law in force immediately before the 19th day of December, 1961 in Goa, Daman and Diu or any part thereof, shall be deemed to be an enactment within the meaning of that Act.

Explanation:— In sub-section (2), the expression 'law' means Lei, Decreto-lei, Decreto and Diploma Legislativo, made, issued or assented to by competent authorities in the discharge of their respective legislative functions.

Statement of Objects and Reasons

The Legislative Assembly has been empowered to make laws on certain matters specified in the Union Territories Act, 1963. It is necessary to have a general law containing rules of interpretation applicable to the laws so made. The General Clauses Act, 1897 is a law of this kind which applies for the interpretation of all Central Acts. There are also corresponding laws made by other State Governments. The present Bill is intended to meet the need in respect of laws made by this Legislative Assembly.

The appropriate course is to apply the same rules of interpretation as are applicable to a Central Act. This is because many Central Acts have been and are being extended to this territory and Parliament has also the concurrent power of making laws in respect of matters on which this Assembly can make laws. The Bill accordingly provides for the application of the provisions of the General Clauses Act, 1897 to every Act passed by this Assembly as it applies to a Central Act.

One of important provisions of the General Clauses Act, 1897 is the effect of repeal of an earlier law by a new law. The laws to be made by this Assembly may have to repeal the corresponding law in force

and such corresponding law may be a law made by the Portuguese legislative authorities. A specific provision has, therefore, been made to enable the effect of the repeal contained in the General Clauses Act to apply also to the old law in force in this territory from pre-liberation days. For this purpose and also for certain other purposes it is proposed to regard every such old law as an enactment within the meaning of the General Clauses Act, 1897.

Panjim,
25th February, 1965.

TONY FERNANDES
Minister for Law

Assembly Hall

Panjim, March 8, 1965.

S. BALAKRISHNAN
Secretary to the Legislative
Assembly of Goa, Daman
and Diu

LA/1939/65

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on the 8th March, 1965 is hereby published for general information in pursuance of the provisions of rule 127 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Administration of Evacuee Property (Amendment) Bill, 1965

(Bill No. 7 of 1965)

A Bill to make certain amendments to the Goa, Daman and Diu Administration of Evacuee Property Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Sixteenth Year of the Republic of India, as follows:

1. Short title and commencement. (1) This Act may be called the Goa, Daman and Diu Administration of Evacuee Property (Amendment) Act, 1965.

(2) It shall be deemed to have come into force on the 24th December, 1964.

2. Amendment of section 2. — In section 2 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (hereinafter referred to as the principal Act), the definition of «evacuee property» shall be numbered as clause (c) and in that definition, for the expression «in which an evacuee has any right or interest (whether personally or as a trustee or as a beneficiary or in any other capacity)», the following shall be substituted, namely: —

«of an evacuee (whether held by him as owner, or as a trustee or as a beneficiary or as a tenant or in any other capacity),»

3. Deletion of section 43 and insertion of a new section. — Section 43 of the principal Act shall be deleted and the following shall be inserted and numbered as section 43: —

«43. Procedure for prosecution. — No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Government or of any officer authorised by it in this behalf, by general or special order».

4. Amendment of section 46. — For clause (p) of sub-section 2 of section 46 of the principal Act the following shall be substituted, namely: —

«(p) the furnishing of security by the Custodian and other officers appointed under the Act»;

5. Correction of errors. — (1) In section 6 of the principal Act, in sub-section (1). —

(i) for the expression «clause (c)» wherever it occurs, the expression «clause (b)» shall be substituted;

(ii) in clause (c), for the word «property» the words «property of an evacuee», shall be substituted.

(2) In section 44 of the principal Act for the words «his opinion» the words «its opinion» shall be substituted.

(3) In section 46 of the principal Act, in sub-section 2, in clause (1) for the figures «16» the figures «15» shall be substituted.

Statement of objects and reasons

The amendments in this Bill are intended to give effect to certain suggestions of the Government of India on the provisions of the Act.

1. Section 2(c): — Under the existing provision it is possible to take the view that the entire property of an evacuee would be declared evacuee property irrespective of his interest therein. The amendment is intended with a view to remove this doubt and to restrict the definition only to the evacuee's interest in the property including his interest as tenant.

2. Section 43: — The provision enabling the Central Government to give directions to this Government appears to be unnecessary in view of section 50 of the Union Territories Act. It is, therefore, proposed to delete this section.

It has been suggested that prosecutions under the Act should be instituted only with the previous sanction of the Government or of any officer authorised in this behalf. A new section is, therefore, proposed as section 43.

3. Section 46(2)(p): — It has been pointed out that the terms and conditions of service of the Custodian and other officers should be regulated under article 309 of the Constitution and that, therefore, no provision need be made in the Act in that regard. It is, therefore, proposed to amend clause (p) accordingly.

4. Correction of errors: — A few typographical errors have inadvertently crept into the final Bill. The amendments in clause 5 of this Bill are intended to correct these errors.

Secretariat,
Panjim,
March 3, 1965.

D. B. BANDODKAR
Chief Minister

Assembly Hall
Panjim, March 8, 1965.

S. BALAKRISHNAN
Secretary to the Legislative
Assembly of Goa, Daman
and Diu